

ORDINANCE NO. 2003 - 041

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **INTRODUCTION AND ADMINISTRATION ELEMENT** (TO MODIFY THE DEFINITIONS OF RESIDUAL PARCEL AND STRIP COMMERCIAL DEVELOPMENT); **FUTURE LAND USE ELEMENT** (TO REVISE AN EXISTING POLICY ADDRESSING STRIP COMMERCIAL DEVELOPMENT AND TO REVISE A POLICY REGARDING UNDERLYING RESIDENTIAL LAND USES IN INSTITUTIONAL LAND USE DESIGNATIONS); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 14 & 28 and March 14, 2003 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 2, 2003 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on June 23, 2003 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 20, 2003 which was the Department's written review of the proposed Comprehensive Plan amendments; and

1 WHEREAS, the written comments submitted by the Department of
2 Community Affairs contained no objections to the amendments contained
3 in this ordinance;

4 WHEREAS, on August 21, 2003 the Palm Beach County Board of County
5 Commissioners held a public hearing to review the written comments
6 submitted by the Department of Community Affairs and to consider
7 adoption of the amendments; and

8 WHEREAS, the Palm Beach County Board of County Commissioners has
9 determined that the amendments comply with all requirements of the
10 Local Government Comprehensive Planning and Land Development
11 Regulations Act.

12 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
13 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

14 Part I. Amendments to the 1989 Comprehensive Plan

15 Amendments to the text of the following Element of the 1989
16 Comprehensive Plan are hereby adopted and attached to this Ordinance
17 in Exhibit 1:

18 A. Introduction and Administration Element, to modify the
19 definitions of residual parcel and strip commercial
20 development;

21 B. Future Land Use Element, to revise an existing policy
22 addressing strip commercial development and to revise a
23 policy regarding underlying residential land uses in
24 Institutional land use designations; and

25 C. Amending all elements as necessary for internal
26 consistency.

27 Part II. Repeal of Laws in Conflict

28 All local laws and ordinances applying to the unincorporated area
29 of Palm Beach County in conflict with any provision of this ordinance
30 are hereby repealed to the extent of such conflict.

31 Part III. Severability

32 If any section, paragraph, sentence, clause, phrase, or word of
33 this Ordinance is for any reason held by the Court to be
34 unconstitutional, inoperative or void, such holding shall not affect
35 the remainder of this Ordinance.

1 Part IV. Inclusion in the 1989 Comprehensive Plan

2 The provision of this Ordinance shall become and be made a part
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
4 Ordinance may be renumbered or relettered to accomplish such, and the
5 word "ordinance" may be changed to "section," "article," or any other
6 appropriate word.

7 Part V. Effective Date

8 The effective date of this plan amendment shall be the date a
9 final order is issued by the Department of Community Affairs or
10 Administration Commission finding the amendment in compliance in
11 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
12 applicable. No development orders, development permits, or land uses
13 dependent on this amendment may be issued or commence before it has
14 become effective. If a final order of noncompliance is issued by the
15 Administration Commission, this amendment may nevertheless be made
16 effective by adoption of a resolution affirming its effective status,
17 a copy of which resolution shall be sent to the Florida Department of
18 Community Affairs, Division of Community Planning, Plan Processing
19 Team. An adopted amendment whose effective date is delayed by law
20 shall be considered part of the adopted plan until determined to be
21 not in compliance by final order of the Administration Commission.
22 Then, it shall no longer be part of the adopted plan unless the local
23 government adopts a resolution affirming its effectiveness in the
24 manner provided by law.

25 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
26 Beach County, on the 21 day of August, 2003.

27
28 ATTEST:
29 DOROTHY H. WILSON, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

30
31
32 By: [Signature]
33 Deputy Clerk

By: [Signature]
34 Karen T. Marcus, Chair

35 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

36
37
38 [Signature]
39 COUNTY ATTORNEY

40 Filed with the Department of State on the 28 day of
41 August, 2003.

EXHIBIT 1

A. Introduction and Administration Element, Residual Parcel Definition & General FLUE Revisions

REVISIONS: To revise and update. The revisions are shown with added text underlined, and the deleted text ~~struck out~~.

REVISED - Comprehensive Plan Definitions

Residual Parcel – ~~This describes a situation when~~ A property that has been left out of a planned unit development area, resulting in a parcel which has limited development options and connections to ~~its original parent property~~ surrounding properties.

Strip Commercial Development – ~~Intense, largely non-residential development, which is shallow in depth, and lies along a length of roadway. The key factors characterizing strip development are multiple curb cuts, numerous unconnected parking lots, and the proliferation of signs. A form of development that is designed primarily for vehicular access and is hazardous or inconvenient for pedestrians to use.~~

Strip Commercial Development may include any of the following:

- intense, largely non-residential development, which is shallow in depth, and lies along a length of roadway
- poorly coordinated site plan, with buildings organized in a linear pattern or in isolated "islands"
- separate driveways or curb cuts from adjacent properties
- separate parking lots from adjacent properties
- inadequate accessibility and circulation for pedestrians and bicycles

B. Future Land Use Element, General FLUE Revisions

REVISIONS: To revise and update. The revisions are below, and shown with the added text underlined, and the deleted text ~~struck out~~.

REVISED FLUE Policy 2.2.2-e: The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development. ~~Strip commercial development is usually of narrow depth and lacks a coordinated development plan. It has numerous curb cuts and lacks vehicular, pedestrian and transit friendly connections to adjacent uses and transit stops, all contributing to isolated land use patterns and inefficient traffic flow.~~

REVISED FLUE III. Implementation Section A. Land Use Designations

7. INSTITUTIONAL AND PUBLIC FACILITIES

Designation of underlying uses and density/intensity. Parcels designated as Institutional prior to the adoption of the 1989 Comprehensive Plan, ~~which request a residential use, shall~~ may have an underlying residential use assigned on the basis of land use compatibility with adjacent properties. The Planning Director may assign an underlying density based on the densities of the adjacent residential land uses without a land use amendment.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 21, 2003
DATED at West Palm Beach, FL on 9/19/03.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.